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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

STATE OF ARIZONA,	) CR 2010-00823
	)
Plaintiff-Respondent,	) PETITION FOR POST-CONVICTION
	) RELIEF; and MOTION TO WITHDRAW;
vs.	) and MOTION FOR LEAVE TO ALLOW
	) SUPPLEMENTAL PRO SE
JOHN CHARLES MCCLUSKEY,	) MEMORANDUM; ORDER
	)
Defendant-Petitioner.	) (Hon. Steven F. Conn)

Petitioner was indicted with Count 1: Escape in the Second Degree; a class 5 felony,  
Counts 2 and 3: Two Counts of Kidnapping, cl. 2 felonies; Counts 4 and 5: Two counts of armed  
robbery, each a cl. 2 felony County 6 and 7, two counts of aggravated assault, each a cl. 3 felony  
and Count 8: Misconduct involving wea[pons, a cl. 4 felony.

After a jury Trial, the defendant was found guilty as charged.

Undersigned Counsel informs the Court that he has reviewed the following materials in  
this matter:

1. The entire allellate record, including the petition for review.
2. All trial and pre-trial transcripts
3. All sentencing documents and transcripts
4. All Minute Entries/Motions/Courts file
5. Correspondence with Petitioner

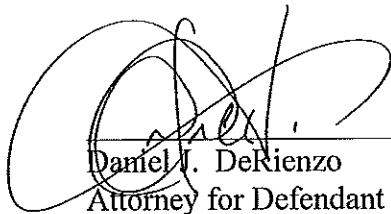


Having completed this review pursuant to Anders v. California, 386 U.S. 738, 76 S. Ct. 1396, (1967), undersigned Counsel is unable to find any claims for relief to raise in this post-conviction proceeding. Accordingly, Counsel has no Petition for Post-Conviction Relief to file at this time and respectfully requests leave to withdraw. It is further requested that this Court search the record for fundamental error pursuant to Ariz. Rev. Stat. § 13-4035 and State v. Powell, 5 Ariz App. 51, 423 P. 2d 127 (1967).

It is requested that the Court extend the time for filing a Petition for Post-Conviction Relief for 45 days so that the Petitioner may file a Rule 32 petition in propria persona should he/she choose to do so. See State v. Smith, 184 Ariz. 456, 910 P.2d 1 (1996) and Lammie v. Barker, 185 Ariz. 263, 915 P.2d 662 (1996).

Lammie makes it clear that the Petitioner shall be permitted to proceed pro per but that Counsel will remain nominal Counsel of record in case his services are needed, for instance, to assist the Petitioner at a hearing.

RESPECTFULLY SUBMITTED March 4, 2013.



Daniel J. DeKienzo  
Attorney for Defendant

Copies of the foregoing mailed / hand-delivered / faxed this date to:

The Hon. Steven F. Conn  
Judge of the Superior Court  
Mohave County Superior Court

Mohave County Attorney's Office  
315 N. Fourth Street  
Kingman, AZ 86402

By \_\_\_\_\_

A handwritten signature, likely of Steven F. Conn, is written over a horizontal line. The signature is stylized, with a large 'C' and 'S' being the most prominent features.